

Federal Communications Commission

DA 99-865

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 99-153

In re Applications of)	
)	
READING BROADCASTING, INC.)	File No. BRCT-940407KF
)	
For Renewal of License of)	
Station WTVE(TV), Channel 51)	
Reading, Pennsylvania)	
)	
and)	
)	
ADAMS COMMUNICATIONS)	File No. BPCT-940630KG
CORPORATION)	
)	
For Construction Permit for a New)	
Television Station to Operate on)	
Channel 51, Reading, Pennsylvania)	

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HEARING DESIGNATION ORDER

Adopted: May 6, 1999

Released: May 6, 1999

By the Chief, Video Services Division:

1. The Commission, by the Chief, Video Services Division, Mass Media Bureau, acting pursuant to delegated authority, has before it for consideration: (a) the application of Reading Broadcasting, Inc. (RBI) for renewal of license of station WTVE(TV), Channel 51, Reading, Pennsylvania; and (b) the application of Adams Communications Corporation (Adams) for a construction permit for a new television station. The applications are mutually exclusive because Adams proposes to operate on Channel 51 at Reading.

2. Based upon our review of the pending applications, the applicants appear qualified to construct and/or operate as proposed. Since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding, and the parties permitted to present factors and evidence they believe most appropriate under the standard comparative issue, including whether WTVE(TV)'s performance has been "substantial" during the renewal term, thus meriting a renewal expectancy. See *First Report and Order - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 16004-06 (1998), *reconsideration granted in part and denied in part*, FCC 99-74, released April 20, 1999.

3. ACCORDINGLY, IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal application of WTVE(TV) and the application for a construction permit for a new station filed by Adams, ARE DESIGNATED FOR HEARING in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, on the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest; and

(2) To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

4. IT IS FURTHER ORDERED, That a copy of each document filed in this proceeding subsequent to the date of adoption of this Order SHALL BE SERVED on the counsel of record in the Enforcement Division appearing on behalf of the Chief, Mass Media Bureau. Parties may inquire as to the identity of the counsel of record by calling the Enforcement Division at (202) 418-1430. Such service SHALL BE ADDRESSED to the named counsel of record, Enforcement Division, Mass Media Bureau, Federal Communications Commission, Washington, D.C. 20554.

5. IT IS FURTHER ORDERED, That to avail themselves of the opportunity to be heard, Reading Broadcasting, Inc. and Adams Communications Corporation, pursuant to Section 1.221(c) of the Commission's Rules, in person or by their respective attorneys, within 20 days of the mailing of this Order, SHALL FILE in triplicate, a WRITTEN APPEARANCE, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. IT IS FURTHER ORDERED, That the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, SHALL GIVE NOTICE of the hearing within the time and in the manner prescribed in such Rule, and SHALL ADVISE the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau